

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MAURICE DEANTHONY STEELE,)	
)	
Petitioner,)	
)	
v.)	1:12CR368-1
)	1:13CV1049
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

BEATY, District Judge.

This matter is before the Court on a Memorandum Opinion and Recommendation of the United States Magistrate Judge (the “Recommendation”) [Doc. #25], which was filed and served on the parties pursuant to 28 U.S.C. § 636(b). In the Recommendation, the Magistrate Judge recommended that the Court deny in part and defer in part Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Doc. #17]. Specifically, the Magistrate Judge recommended that the Petitioner’s § 2255 Motion be denied as to all claims other than his failure to appeal claim within Ground Three of the Motion. As to the failure to appeal claim, the Magistrate Judge recommended that a ruling be deferred on such claim pending an evidentiary hearing. Pursuant to Rule 8(b) of the Rules Governing § 2255 Proceedings, such hearing may be conducted by the Magistrate Judge assigned to the case. No objections were filed within the time limits prescribed by § 636.

In the absence of objections, this Court reviews the Recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Fed. R. Civ. P. 72 advisory committee’s note. The Court has appropriately reviewed the

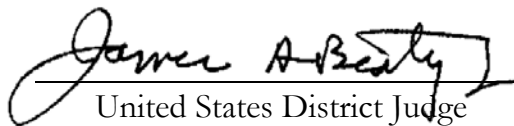
Recommendation. Having done so, the Court finds that no clear error exists and the Recommendation should be adopted. The Magistrate Judge's Recommendation [Doc. #25] is therefore affirmed and adopted for the reasons set forth therein.

IT IS THEREFORE ORDERED that Petitioner's § 2255 Motion [Doc. #17] is DENIED as to all claims except Petitioner's failure to appeal claim in Ground Three of the Motion, to which a ruling is deferred pending an evidentiary hearing. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED at this time as to all claims except Petitioner's failure to appeal claim.

IT IS ORDERED that pursuant to Rule 8(b) of the Rules Governing § 2255 Proceedings, the parties shall appear for an evidentiary hearing on the failure to appeal claim within Ground Three of Petitioner's § 2255 Motion at 2:30 p.m. on June 30, 2015, in Courtroom 1A of the L. Richardson Preyer United States Courthouse, Greensboro, North Carolina.

IT IS FURTHER ORDERED that, pursuant to Rule 8(c) of the Rules Governing § 2255 Proceedings, counsel shall be appointed to represent Petitioner with respect to the failure to appeal claim.

This, the 9th day of April, 2015.


United States District Judge